



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

MARY L. SPIRES,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 4:04-22898-HFF-TER
	§	
JO ANNE B. BARNHART, Commissioner	§	
of Social Security,	§	
Defendant.	§	

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ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE, AFFIRMING DEFENDANT'S DECISION TO DENY PLAINTIFF'S  
CLAIM FOR DISABILITY INSURANCE BENEFITS, AND DENYING PLAINTIFF'S  
MOTION FOR JUDGMENT ON THE PLEADINGS

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The is a Social Security action. The matter is before the Court for review of the Report and Recommendation (Report) from the Magistrate Judge suggesting that Defendant's decision to deny Plaintiff's claim for Disability Insurance Benefits be affirmed and Plaintiff's Motion for Judgment on the Pleadings be denied. The Report is made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).



The Magistrate Judge filed the Report on February 3, 2006. Plaintiff failed to file any objections to the Report. In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Magistrate Judge's comprehensive and well-reasoned Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendant's decision to deny Plaintiff's claim for Disability Insurance Benefits must be **AFFIRMED** and Plaintiff's Motion for Judgment on the Pleadings must be **DENIED**.

**IT IS SO ORDERED.**

Signed this 22nd day of February, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE